

## 1 SENATE BILL NO. 267

2 INTRODUCED BY J. SHOCKLEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN  
5 AMENDMENT TO ARTICLE V, SECTION 14, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE  
6 PRESIDING OFFICER OF THE DISTRICTING AND APPORTIONMENT COMMISSION BE A RETIRED STATE  
7 OR FEDERAL DISTRICT COURT JUDGE OR STATE SUPREME COURT JUSTICE; AND PROVIDING AN  
8 APPLICABILITY DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Article V, section 14, of The Constitution of the State of Montana is amended to read:

13 **"Section 14. Districting and apportionment.** (1) The state shall be divided into as many districts as  
14 there are members of the house, and each district shall elect one representative. Each senate district shall be  
15 composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and  
16 contiguous territory. All districts shall be as nearly equal in population as is practicable.

17 (2) In the legislative session following ratification of this constitution and thereafter in each session  
18 preceding each federal population census, a commission of five citizens, none of whom may be public officials,  
19 shall be selected to prepare a plan for redistricting and reapportioning the state into legislative districts and a plan  
20 for redistricting the state into congressional districts. The majority and minority leaders of each house shall each  
21 designate one commissioner. Within 20 days after their designation, the four commissioners shall select the fifth  
22 member, who must be a retired state or federal district court judge or state supreme court justice and who shall  
23 serve as chairman presiding officer of the commission. If the four members fail to select the fifth member within  
24 the time prescribed, a majority the chief justice of the supreme court shall select him a presiding officer by lot from  
25 a pool of retired state and federal district court judges and state supreme court justices.

26 (3) Within 90 days after the official final decennial census figures are available, the commission shall file  
27 its final plan for congressional districts with the secretary of state and it shall become law.

28 (4) The commission shall submit its plan for legislative districts to the legislature at the first regular  
29 session after its appointment or after the census figures are available. Within 30 days after submission, the  
30 legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter, the

1 commission shall file its final plan for legislative districts with the secretary of state and it shall become law.

2 (5) Upon filing both plans, the commission is then dissolved."  
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4 **NEW SECTION. Section 2. Submission to electorate.** This amendment shall be submitted to the  
5 qualified electors of Montana at the general election to be held in November 2008 by printing on the ballot the  
6 full title of this act and the following:

7  FOR providing the presiding officer of the districting and apportionment commission be a retired  
8 state or federal district court judge or state supreme court justice.

9  AGAINST providing the presiding officer of the districting and apportionment commission be a  
10 retired state or federal district court judge or state supreme court justice.  
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12 **NEW SECTION. Section 3. Applicability.** This amendment applies to redistricting proceedings begun  
13 after the effective date of this amendment.

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